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PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 24th December, 2016

No. 61-Leg./2016.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 23rd day of December, 2016, is hereby published for general information:-

**THE PUNJAB ALLOTMENT OF STATE GOVERNMENT LAND
ACT, 2016**

(Punjab Act No. 54 of 2016)

AN

ACT

to provide for allotment of land to the occupants who are in cultivating possession of such land for the last more than twenty years.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Allotment of State Government Land Act, 2016. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (a) "Allotment Commissioner" means the Sub-Divisional Magistrate;
 - (b) "Collector" means the District Collector or the Deputy Commissioner of the District;
 - (c) "Commissioner" means the Commissioner of the Division;
 - (d) "competent authority" means the Chief Allotment Commissioner, who is the Deputy Commissioner of the District;
 - (e) "cultivating possession" means continuous cultivating possession established by the entries in the revenue record;

- (f) "Family" in relation to a person means the person, the wife or husband, as the case may be, of such person and his or her minor children;
- (g) "Financial Commissioner" means the Financial Commissioner Revenue of the State of Punjab;
- (h) "head of family" means the eldest adult male member of a family, provided that an adult married son will be regarded as head of his own smaller family which shall also be considered separate unit;
- (i) "land" means the State Government's rural agriculture land, belonging to or vesting in the State Government but shall exclude,-
 - (i) evacuee land, which is governed by the Punjab Package Deal Properties (Disposal) Act, 1976;
 - (ii) nazool land, which is governed by the Nazool Land Transfer Rules, 1956;
 - (iii) surplus land, which means the area declared surplus land and which is governed by the Punjab Land Reforms Act, 1972;
 - (iv) shamlat land means the land as defined in the Punjab Village Common lands (Regulation) Act, 1961; and
- (v) mushtarka malkan land kept for common purposes in the light of section 23-A and section 42-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948;
- (j) "occupant" means a person in continuous cultivating possession of land, whether authorized or unauthorized, either himself or through his lineal descendant(s);
- (k) "rural area" means an area within the State of Punjab which is not urban area;
- (l) "State Government" means the Government of the State of Punjab in the Department of Revenue, Rehabilitation and Disaster Management; and
- (m) "Tehsildar (Allotment)" means the Tehsildar.

Persons entitled to make an application.

- 3. (1) Any occupant who is in continuous, undisputed and actual cultivating possession of a land for the last more than twenty years, duly supported by the revenue record, shall be entitled for allotment of land in accordance with

the provisions of this Act and the rules framed thereunder:

Provided that no occupant/family shall be allotted more than five acres of land under this Act.

(2) Any person who considers himself as eligible for allotment of land under the provisions of this Act may at any time apply to the competent authority for allotment of such land.

4. (1) On receipt of an application for transfer of land, the competent authority, after conducting such inquiry, as he deems fit, and after considering the reports and recommendations, if any, of the Tehsildar (Allotment) and the Allotment Commissioner may, by order in writing, either allot or decline to allot the land applied for: Transfer of land.

Provided that the competent authority shall pass an order of allotment only to that extent as the applicant is eligible under this Act:

Provided further that no order, either partially or totally, rejecting allotment shall be passed without affording the applicant a reasonable opportunity of being heard.

(2) An application for allotment of land may be made by a person who is in occupation of such land and is having cultivating possession for the last more than twenty years and is also head of the family.

(3) An occupant shall not be entitled to apply, if , he is an allottee or vendee of the land, the allotment or transfer whereof has been cancelled on the grounds of fraud, misrepresentation of facts or otherwise.

5. The price of the land which is allotted shall be determined on the basis of Price of land. the Collector rate fixed by the Collector and the rate of allotment shall be as follows:-

- (a) upto two acres—Collector rate minus fifty per cent;
- (b) above two acres upto four acres—Collector rate minus twenty five per cent; and
- (c) above four acres and upto five acres – at the Collector rate:

Provided that the Collector rate, relevant on the date of allotment order of the competent authority shall be relevant for the aforesaid purpose.

6. Where any land has been allotted to an occupant, twenty five per cent of the total consideration shall be deposited at the time of issue of letter of intent and the balance price shall be paid by the allottee in ten interest-free six-monthly Mode of recovery of Price of land.

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installments. However, for any delayed installment, interest at the rate of twelve per cent per annum shall be recovered for the period of delay.

In the event, an allottee wants to deposit the entire amount at the stage of the allotment itself, a discount of ten per cent of the overall consideration shall be admissible to him.

Issue of conditional conveyance deed.

7. (1) A conditional conveyance deed shall be issued on the deposit of twenty five per cent of the total consideration.

(2) The allottee shall not be entitled to alienate the allotted land for a period of ten years from the date of issue of conditional conveyance deed.

Explanation:-Devolving of land by intestate succession or under a Will/ Bequest shall not be deemed as alienation. However, no mutation shall be sanctioned in favour of the allottee merely on the basis of conditional conveyance deed.

Issue of unconditional conveyance deed.

8. After the expiry of period of ten years from the issue of conditional conveyance deed, an unconditional conveyance deed shall be issued by the competent authority after satisfying himself that no unauthorized alienation of the allotted land has taken place and all the installments of the total price of the land has been paid.

Power to cancel allotment.

9. (1) In the event of failure of the allottee to pay the installments or in case of persistent default, the competent authority, at any time, shall be authorized to cancel the conveyance deed after affording opportunity of being heard to the allottee. The amount, if any, paid by the allottee shall stand forfeited.

(2) The competent authority may, at any time, cancel the allotment of land, if the allotment has been obtained by fraudulent means.

Publication of notice.

10. (1) The competent authority shall publish a notice in the Official Gazette calling for objections from all the departments of Punjab Government and any other person interested in the land, within a period of sixty days stating his intention to bring the land within the purview of the allotment scheme under this Act.

(2) After hearing the objection(s), if any, received and conducting such enquiry as deemed fit, the competent authority shall pass an order as to whether the land proposed to be allotted is to be brought within the purview of this Act and his order shall be published in the Official Gazette.

(3) Subject to an order passed under section 12 of this Act by the State Government, final order of the competent authority notified in the official Gazette shall be final and not called in question in any other court.

Appeal. 11. Any person or any department of Punjab Government aggrieved by an order of the competent authority under this Act may, within thirty days from the date of order, prefer an appeal to the Commissioner in such form and manner, as may be prescribed:

Provided that the Commissioner may entertain an appeal after the expiry of said thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Revision. 12. (1) The State Government may at any time call for the record of any case under this Act pending before, or disposed of, by any officer and may pass such order in relation thereto as in its opinion, the circumstances of the case require and is not inconsistent with any provision contained in this Act or the rules made there under.

(2) The State Government shall not pass an order under this section reversing or modifying any proceedings or order of any officer without giving the affected person an opportunity of being heard.

Procedure. 13 The proceedings under this Act shall be conducted as per procedure laid down under the Punjab Land Revenue Act, 1887.

Bar of jurisdiction and finality of orders. 14. Save as otherwise expressly provided under this Act, every order made by any officer or an authority under this Act, shall be final and no civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the State Government or any officer or authority appointed under this Act is empowered by or under this Act and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Protection of action taken in good faith. 15. No suit or other legal proceedings shall lie against the State Government or any officer or authorities appointed under this Act in respect of anything which is taken in good faith or intended to be done in pursuance of this Act .

Power to make rules. 16. (1) The State Government, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be,

after it is made, before the House of the State Legislature, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rules or the House agrees, that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

VIVEK PURI,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART I

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No. 62-Leg./2016.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 23rd day of December, 2016, is hereby published for general information:-

**THE PUNJAB AD HOC, CONTRACTUAL, DAILY WAGE,
TEMPORARY, WORK CHARGED AND OUTSOURCED
EMPLOYEES' WELFARE ACT, 2016**

(Punjab Act No. 55 of 2016)

AN

ACT

to provide for the regularisation of services of Group 'A', 'B', 'C' and 'D' employees working on ad hoc, contractual, daily wage, temporary and work charged basis under the State Government or its entities and further to take on contract basis, the out sourced employees working under the State Government or its entities.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows: -

1. (1) This Act may be called the Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (a) 'Government' means the Government of the State of Punjab in the Department of Personnel;
 - (b) 'outsourced employee' means an employee taken on the roll of the State Government or its entities through a private manpower agency for performing duties assigned to him from time to time;
 - (c) 'service rules' means all relevant, general and specific rules governing recruitment to the services of the State Government or its entities;

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- (d) 'State Government' means the Government of the State of Punjab in the concerned Department or entity of the State in which the employee is serving; and
- (e) 'year" means a period of twelve calendar months preceding the date of commencement of this Act.

Regularisation of services of Group 'A', 'B' and 'C' employees.

3. (1) Notwithstanding anything contrary contained in any law, judgment, decree or order of any court, tribunal or any other authority, services of such Group 'A', 'B' and 'C' employees, who are working on ad hoc, contractual, daily wage, temporary or work charged basis under the State Government or its entities for a continuous period of not less than three years preceding the date of coming into force of this Act shall be regularised by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-

- (a) fulfil the eligibility with regard to minimum and maximum age limit;
- (b) possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;
- (c) initial appointment was made by following transparent process;
- (d) satisfactory verification of antecedents;
- (e) have good character and conduct; and
- (f) have not been indicted or undergoing any civil, criminal or departmental proceedings:

Provided that the entities of the State shall consider regularization only if such entity is in a financial position to take the burden of such regularization on its own without transferring any liability to the State exchequer.

(2) During the probation period, the person regularised under this section shall be entitled to draw salary at the minimum of the Pay Band applicable to the post against which his services have been regularised in Group 'A', 'B' or 'C' services, as the case may be, or actual remuneration being received at the time of regularization, whichever is more.

Regularisation of services of Group 'D' employees.

4. (1) Notwithstanding anything contrary contained in any law, judgment, decree or order of any court, tribunal or any other authority, services of such Group 'D' employees, who are working on ad hoc, contractual, daily wage, temporary or work charged basis under the State Government or its entities for a continuous period of not less than three years preceding the date of

coming into force of this Act shall be regularised by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-

- (a) fulfil the eligibility with regard to minimum and maximum age limit;
- (b) possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;
- (c) satisfactory verification of antecedents;
- (d) have good character and conduct; and
- (e) have not been indicted or undergoing any civil, criminal or departmental proceedings:

Provided that the entities of the State shall consider regularization only if such entity is in a financial position to take the burden of such regularization on its own without transferring any liability to the State exchequer.

(2) During the probation period, a person regularised under this section shall be entitled to draw salary at the minimum of the Pay Band applicable to the post against which his services have been regularised in Group 'D' service, or actual remuneration being received at the time of regularization, whichever is more.

5. If the emoluments of employees who were regularised prior to coming into force of this Act have decreased after regularization, they shall also get the benefit of pay protection.

Pay protection of previously regularised employees.

6. The outsourced employees recruited through private man power agency in the service of the State Government or its entities and working for a continuous period of not less than three years preceding the date of coming into force of this Act shall be taken on contract on yearly basis by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-

- (a) fulfil the eligibility with regard to minimum and maximum age limit;
- (b) possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;
- (c) satisfactory verification of antecedents;
- (d) have good character and conduct; and

Outsourced employees.

- (e) have not been indicted or undergoing any civil, criminal or departmental proceedings:

Provided that the entities of the State shall consider such contracts only if such entity is in a financial position to take the burden of such contract on its own without transferring any liability to the State exchequer.

(2) Persons taken on contract under this section shall be entitled to draw the same salary as was being paid to him by the private manpower agency.

Creation of posts. 7. Necessary number of category-wise posts in the services of the State Government and its entities equal to the number of the persons to be regularised shall be deemed to have been created in excess of the already existing sanctioned posts in the cadre to which they are inducted:

Provided that such deemed to have been created posts in excess of the already existing sanctioned posts shall be posts personal to the incumbent and shall stand abolished on vacation of post by the incumbent.

Seniority. 8. (1) The seniority of the employees governed by this Act shall be fixed below the junior most employee in the relevant cadre on the date of coming into force of this Act.

(2) The *inter-se* seniority of the employees whose appointments are so governed under this Act shall be determined as per provisions of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

Reservation. 9. Consequent upon the regularization of services under sections 3 and 4 of this Act, the backlog of posts meant for various reserved categories shall be calculated and filled up on priority basis by way of direct recruitment as and when any vacancy arises.

Applicability of rules. 10. (1) The employees covered under this Act shall be governed by the conditions of service as are applicable to the employees in the respective cadre in which they stand appointed.

(2) The Punjab Civil Services (Punishment and Appeal) Rules, 1970, as are applicable to other employees of the cadre, shall apply *mutatis mutandis* to these employees.

Protection of action taken in good faith. 11. No suit, prosecution or other legal proceedings shall lie against the officers of the State Government or its entities for anything done in good faith under this Act.

12. No Court or Tribunal shall have jurisdiction to entertain any suit or proceeding in respect of any claim for absorption or continuation arising from the provisions of this Act. Civil court not to have jurisdiction.
13. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, make such provisions as it appears to it to be necessary or expedient to remove such difficulty. Power to remove difficulty.
14. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) The State Government shall notify rules with regard to the procedure, seniority and parity of persons working in the entities of the State Government in Group 'A', 'B', 'C' and 'D' services in the State and other residual matters.
- (3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rules or the House agrees, that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

VIVEK PURI,
Secretary to Government of Punjab,
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